

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IHC, INC.,

Plaintiff,

Case No. 15-CV-13217

vs.

HON. GEORGE CARAM STEEH

TITAN INDUSTRIES, INC.,

Defendant.

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ORDER DENYING PLAINTIFF'S EX PARTE  
MOTION FOR ALTERNATE SERVICE [DOC. 4]

Plaintiff IHC, Inc., moves ex parte for alternate service of process to be effected upon defendant Titan Industries, Inc. Service upon an individual or corporation may be effected pursuant to the law of the state in which the district court is located, here, Michigan. Fed. R. Civ. P. 4(e) and (h). Michigan law provides that, “[o]n a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” M.C.R. 2.105(l)(1).

In support of its motion for alternate service, plaintiff provides the affidavit of the process server, in which she states that she made one attempt to serve defendant at the office of its registered agent and left several messages for the registered agent to return her calls, but to date, there has been no response. The process server also states she attempted to serve defendant once at its principal place of business, but the

door to the building was locked and she was informed through an intercom that the company was defunct.

Plaintiff suggests as an alternate means of service of process: posting, first class mail, and certified mail, to defendant's last known address - namely the location where the process server was told the business had shut down. Plaintiff's motion is premature. Plaintiff only attempted to personally serve the defendant at the office of its registered agent on one occasion. Thus, plaintiff has failed to meet its burden of showing that service in the traditional manner cannot be reasonably made. Accordingly,

IT IS ORDERED that plaintiff's motion for alternative service (Doc. 4) is DENIED WITHOUT PREJUDICE. Plaintiff may again move for alternative service at any time prior to the expiration of the summons.

IT IS SO ORDERED.

Dated: October 23, 2015

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 23, 2015, by electronic and/or ordinary mail and also on Titan Industries, Inc., 82 Portland Road, Kennebunk, ME 04043.

s/Barbara Radke  
Deputy Clerk